

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible)	WC Docket No. 09-197
For Universal Service Support)	
)	
Flat Wireless, LLC)	
)	
Petition for Designation as a)	
Lifeline Broadband Provider)	

**FLAT WIRELESS, LLC'S PETITION FOR
DESIGNATION AS A LIFELINE BROADBAND PROVIDER**

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Counsel for Flat Wireless, LLC

November 15, 2016

I. Introduction

Flat Wireless, LLC (“Flat”) hereby petitions the Commission to designate it as an Eligible Telecommunications Carrier in order to provide Lifeline-supported Broadband Internet Access Service (“BIAS”) to eligible low-income households in the states of New Mexico and Arizona in the zip codes set forth in Attachment A. Flat has provided facilities-based CMRS services for more than eight years to more than 300,000 customers in Central and West Texas, New Mexico, Arizona, California, and until recently, Colorado.¹ As will be set forth in more detail below, Flat is fully qualified under Section 54.201 and 202 of the Commission’s rules to be a Lifeline-only ETC, and it meets all pertinent requirements for eligibility to serve as a Lifeline Broadband Provider (“LBP”). Because Flat meets all prerequisites for streamlined processing of this application under Section 54.202(d)(1) of the rules, it respectfully requests such treatment.

II. The Eligibility Requirements of Sections 54.201, 202 and 401 et seq.

1. Petitioner is a Well Established CMRS Carrier. Flat has been a commercial mobile radio service provider since its inception in 2008. It pays all associated FCC regulatory fees and complies with all other obligations of CMRS carriers.

2. Facilities-based Service. Flat owns, and operates over, its own facilities throughout its proposed service areas.

3. Advertisement of Service in Media of General Distribution. Flat will advertise the availability of the BIAS services and the charges therefor which are described more fully below using social media, radio and point of sale collateral -- all media which are generally available

¹ Flat offers these services either directly or through its wholly owned subsidiary, Flat West Wireless, LLC.

in the proposed BIAS service area. The particular media will be selected to ensure that the projected recipients of LBP are included in the audience.

4. Certification as to Compliance with BIAS Service Requirements. Flat certifies that it will comply with the service requirements for BIAS as they exist upon grant of this Petition and as such requirements evolve according to the Commission's staged development plans for this service.

5. Five year Plan Not Required. Because Flat is not seeking high cost support, no five year development plan is provided, per Section 54.2029a)(1)(ii) of the rules.

6. Emergency Service Capability. Flat has the capability to function in emergency situations and so certifies. This capability is met by the installation of backup power sources at its cell sites and network control locations to ensure the availability of power for up to eight hours in the absence of external power sources. Its network has been designed with sufficient redundancy and resiliency to permit the re-routing of traffic around damaged facilities and to manage spikes in traffic resulting from emergency conditions.

7. Commitment to Consumer Protection and Quality Standards. Flat currently abides by and will continue to abide by the CTIA Consumer Code for Wireless Service and any future amendments thereto, thus ensuring that consumers can expect industry-established standards for consumer protection and service quality.

8. Financial and Technical Ability to Provide BIAS. Flat currently provides non-Lifeline service to thousands of customers throughout its service areas. It has provided service in the West and Central Texas region (including nearby New Mexico) since 2008, and has provided service in Arizona and California since 2009. The initiation of service will not require the

incursion of any additional capital expenses; only the additional expenses associated with advertising and processing and administering Lifeline-eligible consumers will be occasioned by the provision of BIAS. Flat has not to date relied on support from any Lifeline or other USF mechanism to sustain its operations. Accordingly, the initiation of Lifeline service should add very little cost to Flat's current operations while permitting an expansion of supported services to additional customers. Flat is therefore fully financially qualified to offer BIAS.

Flat's technical qualifications are demonstrated by its long term provision of service to hundreds of thousands of consumers over the last decade with very few complaints about any technical issues which are within Flat's control. Flat maintains a full-time, 24/7 staff of technicians to address network and cell site issues very quickly after they arise. The existing Flat network is fully capable of delivering the minimum levels of service required by the BIAS rules without additional investment.

9. Service Areas. Flat requests authority to provide BIAS in the zip codes in New Mexico and Arizona specified in Attachment A.

III. Proposed Service Plan

Flat proposes to offer the following services at the levels and rates indicated:

Voice: 500 minutes per month.

Data: 500 MB per month at 3G speeds.

Text: Unlimited per month

There will be no monthly charge for this service. These minimum voice minutes, MBs and speeds will be adjusted in the future as required by the Commission's rules

Flat will permit customers to use their own smartphone to receive service or they may acquire phones from Flat. Phones acquired from Flat will have the capability of accessing WiFi and will have hotspot functionality. Data usage may be shared among members in a single household. Customers will be limited to one Lifeline-supported subscription per household.

IV. Other Lifeline Obligations

Flat recognizes and accepts the obligation to abide by the Commission's rules regarding the provision of Lifeline service generally and BIAS service specifically. In particular, Flat understands that the National Verifier will be the enroller of Lifeline customers once it is operational in the Flat's service areas, but until then Flat is responsible for implementing and enforcing the Commission's verification, recordkeeping and recertification requirements.

V. Designation of Flat as a LBP is in the Public Interest

As indicated above, Flat has provided facilities-based services for over a decade. It has always chosen to target the pre-paid market which has traditionally been ignored or disdained by the major national carriers. Flat has therefore come to know the needs and telecommunications requirements of this segment of the population well. The addition of the ability to offer subsidized service to these customers will significantly enhance its ability to deliver high quality service to these customers at lower cost to them while also supporting Flat's ability to offer this service to them. Flat applauds the Commission's adoption of rules and procedures that simplify and expedite the process of ETC-designation, thus accelerating the pace at which needed services can be delivered to Flat's current and prospective customers. Flat's entry into the LBP marketplace will ensure that there is competition in that market and that customers will have access to locally-owned and managed CMR service at free or discounted prices.

VI. Anti-Drug Abuse Certification

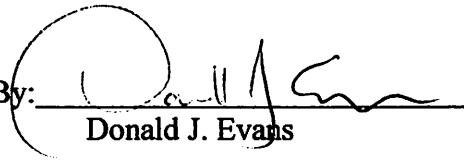
Flat certifies that neither it nor any of its officers, board members, or 5% or greater members are subject to denial of Federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

VII. Streamlined Processing Requested

Flat has offered broadband internet access service to its customers since at least 2008 -- well over the two year period required by Section 54.202(d) of the rules. In addition, Flat is currently serving well over 1000 non-Lifeline customers with both voice and BIAS service. It therefore meets the requirements for streamlined processing and it expressly requests such treatment.

Respectfully submitted,

Flat Wireless, LLC

By: 
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Its Counsel

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Declaration of Kevin Beierschmitt

I, Kevin Beierschmitt, President and CEO of Flat Wireless, LLC, hereby declare under penalty of perjury that the facts and certifications set forth in the forgoing Petition of Flat Wireless, LLC for Designation as a Lifeline Broadband Provider are true and correct to the best of my knowledge and belief.



Kevin Beierschmitt

11/14/2016
Date

Attachment A

FLAT WIRELESS, LLC LIFELINE BROADBAND PROVIDER ZIP CODE LIST

New Mexico Zip Codes

Zip	City
88101	CLOVIS
88102	CLOVIS
88130	PORTALES

Arizona Zip Codes*

Zip	City
85364	YUMA
85367	YUMA
85350	SOMERTON
85356	WELLTON
85347	ROLL

*In these zip codes, service will be provide by Flat's wholly-owned subsidiary, Flat West Wireless, LLC.